

FORM-PTO-1390  
(Rev. 12-29-99)

U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE

ATTORNEY'S DOCKET NUMBER

**TRANSMITTAL LETTER TO THE UNITED STATES  
DESIGNATED/ELECTED OFFICE (DO/EO/US)  
CONCERNING A FILING UNDER 35 U.S.C. 371**

033376-001

U.S. APPLICATION NO. (If known, see 37 C.F.R. 1.5)

09/869,923

INTERNATIONAL APPLICATION NO.  
PCT/AU00/00654

INTERNATIONAL FILING DATE  
9 June 2000(09.06.2000)

PRIORITY DATE CLAIMED  
10 June 1999 (10.06.99)

TITLE OF INVENTION  
HEART ASSIST DEVICES, SYSTEMS AND METHODS

APPLICANT(S) FOR DO/EO/US

PETERS, William Suttle; MARSH, Peter Crispin Lawrence; WHITE, Geoffrey Hamilton; UNGER, Rolf Gunnar;  
MILSOM, Frederick Paget; HENRICHSEN, Hans Hansforth

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☐ This is a **FIRST** submission of items concerning a filing under 35 U.S.C. 371.
2. ☒ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. 371.
3. ☐ This is an express request to begin national examination procedures (35 U.S.C. 371(f)) at any time rather than delay examination until the expiration of the applicable time limit set in 35 U.S.C. 371(b) and the PCT Articles 22 and 39(1).
4. ☐ A proper Demand for International Preliminary Examination was made by the 19th month from the earliest claimed priority date.
5. ☐ A copy of the International Application as filed (35 U.S.C. 371(c)(2))
  - a. ☐ is transmitted herewith (required only if not transmitted by the International Bureau).
  - b. ☐ has been transmitted by the International Bureau.
  - c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US)
6. ☐ A translation of the International Application into English (35 U.S.C. 371(c)(2)).
7. ☐ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))
  - a. ☐ are transmitted herewith (required only if not transmitted by the International Bureau).
  - b. ☐ have been transmitted by the International Bureau.
  - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
  - d. ☐ have not been made and will not be made.
8. ☐ A translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
9. ☒ An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).
10. ☐ A translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).

Items 11. to 16. below concern other document(s) or information included:

11. ☐ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
12. ☒ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
13. ☐ A **FIRST** preliminary amendment.  
☐ A **SECOND** or **SUBSEQUENT** preliminary amendment.
14. ☐ A substitute specification.
15. ☐ A change of power of attorney and/or address letter.
16. ☒ Other items or information: Copy of Notice of Missing Requirements Under 35 U.S.C. 371 in the United States Designated/Elected Office (DO/EO/US)

U.S. APPLICATION NO. (If known, / see 37 C.F.R. 1.50) <b>09/869,923</b>		INTERNATIONAL APPLICATION NO. <b>PCT/AU00/00654</b>		ATTORNEY'S DOCKET NUMBER <b>033376-001</b>	
17. <input checked="" type="checkbox"/> The following fees are submitted:				<b>CALCULATIONS</b>	
<b>Basic National Fee (37 CFR 1.492(a)(1)-(5)):</b>  Neither international preliminary examination fee (37 CFR 1.482) nor international search fee (37 CFR 1.445(a)(2)) paid to USPTO and International Search Report not prepared by the EPO or JPO ..... \$1,040.00 (960)  International preliminary examination fee (37 CFR 1.482) not paid to USPTO but International Search Report prepared by the EPO or JPO ..... \$890.00 (970)  International preliminary examination fee (37 CFR 1.482) not paid to USPTO but international search fee (37 CFR 1.445(a)(2)) paid to USPTO ..... \$740.00 (958)  International preliminary examination fee paid to USPTO (37 CFR 1.482) but all claims did not satisfy provisions of PCT Article 33(1)-(4) ..... \$710.00 (956)  International preliminary examination fee paid to USPTO (37 CFR 1.482) and all claims satisfied provisions of PCT Article 33(1)-(4) ..... \$100.00 (962)				PTO USE ONLY	
<b>ENTER APPROPRIATE BASIC FEE AMOUNT =</b>				\$	
Surcharge of <b>\$130.00 (154)</b> for furnishing the oath or declaration later than 20 <input type="checkbox"/> 30 <input type="checkbox"/> months from the earliest claimed priority date (37 CFR 1.492(e)).				\$ 130.00	
Claims	Number Filed	Number Extra	Rate		
Total Claims	-20 =		X\$18.00 (966)	\$	
Independent Claims	-3 =		X\$84.00 (964)	\$	
Multiple dependent claim(s) (if applicable)			+ \$280.00 (968)	\$	
<b>TOTAL OF ABOVE CALCULATIONS =</b>				\$ 130.00	
Reduction for 1/2 for filing by small entity, if applicable (see below).				\$ -	
<b>SUBTOTAL =</b>				\$ 130.00	
Processing fee of <b>\$130.00 (156)</b> for furnishing the English translation later than 20 <input type="checkbox"/> 30 <input type="checkbox"/> months from the earliest claimed priority date (37 CFR 1.492(f)).				\$	
+					
<b>TOTAL NATIONAL FEE =</b>				\$ 130.00	
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). <b>\$40.00 (581)</b> per property +				\$	
<b>TOTAL FEES ENCLOSED =</b>				\$ 130.00	
10/18/2001 MKAYPAGH 00000037 09869923  01 FC:154 130.00 OP				Amount to be: refunded \$	
				charged \$	
a. <input type="checkbox"/> Small entity status is hereby claimed. b. <input checked="" type="checkbox"/> A check in the amount of \$ <u>130.00</u> to cover the above fees is enclosed. c. <input type="checkbox"/> Please charge my Deposit Account No. <u>02-4800</u> in the amount of \$ _____ to cover the above fees. A duplicate copy of this sheet is enclosed. d. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. <u>02-4800</u> . A duplicate copy of this sheet is enclosed.					
<b>NOTE: Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the application to pending status.</b>					
SEND ALL CORRESPONDENCE TO:  Robert S. Swecker, Esq. BURNS, DOANE, SWECKER & MATHIS, L.L.P. P.O. Box 1404 Alexandria, Virginia 22313-1404 (703) 836-6620					
Date: <u>10/15/01</u> <sup>EP</sup>					
Signature: <u>Elaine P. Spector</u> NAME: Elaine P. Spector REGISTRATION NUMBER: <u>40,116</u>					